

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: PACER FEE EXEMPTIONS)	
)	
)	Misc. No. 09-239
IAN STEWART,)	
Movant.)	

ORDER

This matter is before the Court upon the application and request by Ian Stewart (“Stewart”) for exemption from the fees imposed by the Electronic Public Access fee schedule adopted by the Judicial Conference of the United States Courts (ECF No. 40).

This Court finds that Stewart is an individual researcher associated with an educational institution and, therefore, falls within the class of users listed in the fee schedule as being eligible for a fee exemption. Additionally, Stewart demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information.

Accordingly, Stewart shall be exempt from the payment of fees for access via the Public Access to Court Electronic Records system (the “PACER System”) to the electronic case files maintained by this Court, to the extent such use is incurred in the course of the defined academic research project described in the Application for Multi-Court Exemption from the Judicial Conference’s Electronic Public Access Fees in the United States District Court for the Western District of Pennsylvania, (the “Application”) (ECF No. 40). The Court finds that the research project described in the Application is

intended for scholarly research and is limited in scope. Stewart shall not be exempt from the payment of fees incurred in connection with other uses of the PACER System in this Court. Additionally, the following limitations apply:

- 1) This fee exemption applies only to Stewart and is valid only for the academic research project described in the Application;
- 2) This fee exemption applies only to the electronic case files of this Court that are available through the PACER System;
- 3) By accepting this exemption, Stewart agrees not to sell for profit any data obtained as a result of receiving this exemption;
- 4) Stewart is prohibited from transferring any data obtained as a result of receiving this exemption, including redistribution via Internet-based databases. This prohibition does not prevent Stewart from relying upon the data obtained as a result of receiving this exemption in or in connection with the scholarly project described in the Application;
- 5) This exemption is valid until April 16, 2021, after which time Stewart may request a reasonable extension if necessary to complete the scholarly project described in the Application.

This exemption may be revoked at the discretion of the Court at any time. The Clerk of Court of the United States District Court for the Western District of

Pennsylvania, or his designee, may periodically review the usage of Stewart's exempt PACER System account during the term of this exemption.

Dated: July 21, 2020

BY THE COURT:

/s/ Mark R. Hornak

Mark R. Hornak

Chief United States District Judge

cc: PACER Service Center *(via email)*
Administrative Office of the United States Courts,
Multi-Court Exemptions Office *(via email)*
Ian Stewart *(via email)*